

**REMARKS****Summary of the Office Action**

Claims 1, 4, 6, 11, 14, 16, 17, 19, 22, 27-32 and 34-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawara et al. (U.S. Patent No. 6,278,836) (hereinafter "Kawara").

Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara.

Claims 3, 13 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Itoh et al. (U.S. Patent No. 6,700,989) (hereinafter "Itoh").

Claims 2, 5, 12, 15, 18, 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Kikuchi et al. (U.S. Patent No. 6,577,811) (hereinafter "Kikuchi").

**Summary of the Response to the Office Action**

Applicants have amended each of independent claims 1, 4, 11, 14, 17, 19, 22 and 34-39 in order to differently describe embodiments of the disclosure of the instant application and consistent with an approach presented by Applicants' undersigned representative to Examiner James A. Fletcher in a telephone interview on April 16, 2007, as discussed in more detail below. Accordingly, claims 1-24 and 27-32 and 34-39 remain currently pending for consideration.

**Rejections under 35 U.S.C. §§ 102(b) and 103(a) and Statement of Summary of Examiner Interview**

Claims 1, 4, 6, 11, 14, 16, 17, 19, 22, 27-32 and 34-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawara. Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara. Claims 3, 13 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Itoh. Claims 2, 5, 12, 15, 18, 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Kikuchi. Applicants have amended each of independent claims 1, 4, 11, 14, 17, 19, 22 and 34-39 in order to differently describe embodiments of the disclosure of the instant application and consistent with an approach presented by Applicants' undersigned representative to Examiner James A. Fletcher in a telephone interview on April 16, 2007. Examiner Fletcher is thanked for the courtesies extended to Applicants' undersigned representative and Mr. Nobuhiro Ishizuka of Pioneer Corporation in the telephone interview held on April 16, 2007 in this application.

During that telephone interview, Applicants' undersigned representative, together with Mr. Ishizuka, explained how particular features of embodiments of the disclosure of the instant application involve permission information, as described in each of independent claims 1, 4, 11, 14, 17, 19, 22 and 34-39 of the instant application, which indicates whether or not to permit a division of recorded information.

Examiner Fletcher noted, consistent with his previous indication in the final sentence of section 1 at page 2 of the December 18, 2006 Office Action, that such features would distinguish over the currently applied Kawara reference if a feature of "dividing a reproducible part" was added to each of the independent claims. Accordingly, during the telephone interview,

Applicants' undersigned representative suggested amending independent claim 1, line 4 to describe "reproducible record information" so that the later described feature in claim 1 of "permission information indicating whether or not to permit ... record information to be further divided" would thus describe "dividing a reproducible part" in the manner suggested by Examiner Fletcher in the above-discussed portion of page 2 of the December 18, 2006 Office Action. The Examiner agreed that such an amendment would comply with his suggestion in this regard and would thus overcome the applied Kawara reference. As a result, and as also discussed with Examiner Fletcher during the April 16, 2007 telephone interview, similar amendments have also been made to each of the remaining independent claims 4, 11, 14, 17, 19, 22 and 34-39 of the instant application.

Accordingly, Applicants respectfully submit that Kawara does not disclose, or even suggest, at least a device, process, and program for generating or including permission information indicating whether or not to permit reproducible record information to be divided, as described in each of the independent claims of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Kawara does not teach or suggest each feature of the independent claims of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or

suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from their respective independent claims and the reasons set forth above. Moreover, Applicants respectfully submit that the additionally applied reference to Itoh, with respect to claims 3, 13 and 21, does not cure the deficiencies discussed above with regard to Kawara. Moreover, Applicants respectfully submit that the additionally applied reference to Kikuchi, with respect to claims 2, 5, 12, 15, 18, 20 and 23, does not cure the deficiencies discussed above with regard to Kawara.

### **CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: April 18, 2007

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